



County of Los Angeles
CHIEF ADMINISTRATIVE OFFICE

713 KENNETH HAHN HALL OF ADMINISTRATION • LOS ANGELES, CALIFORNIA 90012
(213) 974-1101
<http://cao.co.la.ca.us>

DAVID E. JANSSEN
Chief Administrative Officer

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Fifth District

February 2, 2006

To: Mayor Michael D. Antonovich
Supervisor Gloria Molina
Supervisor Yvonne B. Burke
Supervisor Zev Yaroslavsky
Supervisor Don Knabe
From: 
David E. Janssen
Chief Administrative Officer

CONSERVATOR MISMANAGEMENT AND ABUSE – TASK FORCE REPORT

On November 15, 2005, on motion of Supervisor Burke, your Board instructed my Office to create a task force to immediately review the case scenarios relative to conservator abuse reported in recent Los Angeles Times articles. Your Board also directed the task force to assess the County's ability to investigate complaints from the public about conservator abuse, promote legislation relative to the oversight and monitoring of conservators, and request the participation of the District Attorney's Elder Abuse Section in this effort.

On November 22, 2005, on motion of Supervisor Antonovich, your Board further instructed my Office to work in collaboration with the Director of Mental Health, the Treasurer and Tax Collector, County Counsel, and the Executive Officer/Clerk of the Superior Court on future anticipated fiscal and/or resource needs for the Public Guardian probate conservatorship program through the year 2010.

Pursuant to these instructions, this Office convened a task force to study and report back on these issues; the task force includes representatives from the Departments of Community and Senior Services, Consumer Affairs, County Counsel, Public Guardian (Department of Mental Health), Sheriff, Public Social Services, Treasurer and Tax Collector, and District Attorney, as well as the Superior Court (Probate Division).

The attached report:

- Provides an overview of conservatorships;
- Defines the roles of County departments and the Superior Court in the conservatorship process;
- Provides a summary and review of the cases of conservator mismanagement and abuse cited in the November 2005 Los Angeles Times article series;
- Provides a summary of current legislative provisions and proposed legislative remedies relative to the oversight and monitoring of conservators;
- Provides your Board with recommendations for local actions/reforms; and
- Provides an analysis of future anticipated fiscal and/or resource needs for the Public Guardian probate conservatorship program through the year 2010.

As further detailed in the attached report, the task force determined the following:

- There is a need for increased collaboration among County departments to provide outreach and education to the public to assist in the prevention of conservator abuse and mismanagement, and efforts are already underway in this regard.
- The Chief Administrative Office is analyzing newly-introduced conservatorship reform legislation and working with the authors to seek necessary amendments regarding oversight and monitoring of private conservators consistent with your Board's policies.
- The County can further reduce incidents of conservator mismanagement and abuse through local actions and reforms (e.g.; increased community outreach and education, increased interdepartmental collaboration, enhanced staff development and training, etc.).
- Additional resources will be required for the Office of the Public Guardian to achieve and maintain the level of service delivery required to effectively meet the increasing needs of elder and/or dependent adults who require their services. Funding for such additional resources has largely not been identified at this time.

Each Supervisor
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If you have questions regarding this report, please let me know, or your staff may contact Angie Gentry of this Office at (213) 974-1197 or by e-mail at agentry@cao.co.la.ca.us.

DEJ:MKZ
AG:os

Attachment (1)

c: Sheriff
District Attorney
Executive Officer, Board of Supervisors
County Counsel
Director of Consumer Affairs
Director of Mental Health
Director of Public Social Services
Interim Director of Community and Senior Services
Superior Court
Treasurer and Tax Collector

CONSERVATORSHIP MISMANAGEMENT AND ABUSE TASK FORCE REPORT

The recent "Guardians for Profit" series of articles that was published in the Los Angeles Times in November of 2005 resulted in increased awareness of conservator abuse and mismanagement throughout the State of California. Although abuse of the system and the vulnerable population that requires the assistance of private conservators is not new, the growing number of such incidences has caused legislators to focus more attention on this problem in recent years.

The Board of Supervisors ordered the creation of a task force to further review the cases of incidents cited in the newspaper series and identify methods to improve the conservatorship system both locally and at the State level, as well as to deter unscrupulous conservators from exploiting those individuals susceptible to abuse.

Accordingly, this report was developed to further clarify the role of private conservators and how County departments and the Superior Court are involved in the oversight of conservators and the investigation of complaints against individuals who seek to exploit elder and dependent adults who rely on their services.

A review of the cases cited in the Los Angeles Times is provided only to the extent that the individuals who were referenced could be located in the Court's database. Cases which involved persons residing outside of Los Angeles County are not included.

In addition, this report provides an analysis of current legislative proposals relative to the reform of conservatorship programs at the State level, recommendations for local action, and an assessment of the future anticipated funding needs for the Los Angeles County Office of the Public Guardian to better respond to the needs of the population it serves.

OVERVIEW OF CONSERVATORSHIPS

A conservator of the person or estate, or both, may be appointed for a person upon request of that individual or in the event that the court establishes clear and convincing evidence for such an appointment to be made. A petition for conservatorship may be filed by the proposed conservatee, the spouse or domestic partner, a relative, a friend or other interested party, or any interested state or local entity or agency, employee or public official thereof. In direct response to your Board's motion, conservatorships of the person, conservatorships of the estate, or both, are defined as follows:

- **Conservatorship of the Person**

A conservator of the person may be appointed for a person who is unable to provide properly for his or her personal needs for physical health, food, clothing, or shelter.

- **Conservatorship of the Estate**

A conservator of the estate may be appointed for a person who is substantially unable to manage his or her own financial resources or resist fraud or undue influence, except as provided for that person.

A conservator of the person and estate may be appointed for a person. Private professional conservators may be appointed at the discretion of the court after a notice of hearing has been served to those individuals defined as relatives under the California Probate Code. The California Probate Code places preference on the appointment of relative conservators, when possible.

ROLE OF COUNTY DEPARTMENTS AND SUPERIOR COURT IN PRIVATE PROFESSIONAL CONSERVATOR OVERSIGHT AND COMPLAINT HANDLING

- **Department of Consumer Affairs**

The Department of Consumer Affairs (DCA) accepts consumer complaints against individuals and businesses accused of financial abuse and real estate fraud, as long as the Court has not appointed them as conservators. DCA does not take complaints against Court-appointed conservators. Consumers can file complaints with DCA by telephone, fax, or e-mail, and in person.

The Department of Consumer Affairs investigates all the consumer fraud complaints it receives, and prepares cases for referral to prosecutorial agencies for criminal or civil prosecution if warranted. If a complaint does not merit prosecution, DCA attempts to mediate an acceptable resolution.

- **Department of Community and Senior Services**

The role of the Department of Community and Senior Services (DCSS)/Adult Protective Services (APS) in responding to complaints about conservators is to report these instances to the Probate Court Investigator. Whenever a private conservator is alleged to be the perpetrator of abuse, neglect or exploitation, the APS worker shall immediately telephone the information to the Probate Court Investigator and provide the client's probate number (as required by law, substantiated allegations of abuse are cross-referred to law enforcement, as well).

Should the Court decide to remove the conservator, the Public Guardian may be appointed as the successor conservator.

- **Office of the Public Guardian**

Complaints Against Private Professional Conservators - Complaints from the public regarding private conservator mismanagement and/or abuse are usually directed to a Supervising Deputy Public Guardian or the Assistant Division Chief. Staff establishes the nature of the complaint and then determines if a conservatorship is in effect and the name of the conservator. The Office of the Public Guardian answers general questions on conservatorship. For specific questions, the caller is usually directed to call the Probate Court Investigator.

The Public Guardian has no legal authority to intervene in these cases.

If the Superior Court determines that the Public Guardian needs to be involved, the judge will order the Office into the matter. An investigation is initiated and a report is given to the Court. If a successor conservatorship is warranted, the Public Guardian will ask County Counsel to petition for appointment as the successor conservator.

Complaints against Public Conservators - If the Public Guardian is the conservator, complaints are usually handled by the Deputy Public Guardian managing the conservatorship. Unresolved complaints are handled by supervisors or managers. On occasion, a complaint about the Public Guardian is made directly to the Board of Supervisors (BOS). These complaints are directed to Department management for resolution with a written response to the complaining party and to the BOS. The public or interested parties may also complain to the Probate Court or Probate Court Investigators.

In all instances, Public Guardian staff makes every effort to resolve complaints directly with the interested party. In the absence of an understanding or an "agreement to disagree," the party is informed that he or she has the right to file objections with the Court.

- **Office of the County Counsel**

County Counsel serves as chief legal representative and advisor to the Public Guardian in the preparation and commencement of legal proceedings to establish probate conservatorships of the person and estate with the Public Guardian as conservator. This role includes advising the Public Guardian on legal issues that arise prior to filing the petition for conservatorship, preparation of all related legal pleadings and papers and representing the Public Guardian in contested and uncontested proceedings before the Probate Court. County Counsel is also responsible for the review of accountings prepared by the Public Guardian in each estate for submission to the Probate Court as required by law, as well as drafting the necessary petitions and appearing in Court to request approval of the accountings.

- **District Attorney/Elder Abuse Section**

The District Attorney's Office Elder Abuse Section is comprised of specially trained, experienced prosecutors. These prosecutors file and vertically prosecute felony Elder Abuse cases throughout Los Angeles County. If a private conservator in Los Angeles County committed an act of Felony Elder Abuse against an elder in Los Angeles County, that case would be vertically prosecuted by a Deputy District Attorney from the Elder Abuse section.

- **Superior Court**

In general, the Court's role is to protect the rights of persons placed under conservatorship and assess the needs of the conservatee in order to determine the appropriateness and extent of the conservatorship. Toward this end, the Court is required to make periodic assessments of the management of the conservatee's finances and care. The limitations and responsibilities of the Court in carrying out this role are spelled out in the Probate Code, the California Rules of Court, and the Los Angeles Superior Court Local Rules of Court. Complaints regarding professional conservators are investigated by a probate investigator if the complaint is received outside of a Court hearing. If a complaint is received in the course of a Court hearing, the Court will take appropriate action depending on the nature of the complaint and the fact pattern within the case.

If a complaint results in the removal of a professional conservator, this information is forwarded to the Statewide Registry (Registry) and local registry. This information is considered in making any future appointments of that conservator.

If the complaint involves allegations of illegal behavior, the matter is reported to law enforcement.

REVIEW OF CONSERVATOR MISMANAGEMENT AND ABUSE CASES CITED

In accordance with the BOS' instruction to immediately review the case scenarios of conservator abuse and mismanagement reported by the Los Angeles Times in November 2005, the Office of the County Counsel Probate Division prepared a brief summary for each of the cases cited.

GREGORY MAYNUS
BP041385

Anne L. Chavis was appointed conservator over the estate only of the above-mentioned conservatee on or about August 2, 1996. She was removed on or about February 25, 1998, after the conservatee filed a Petition for Chavis' Removal and the appointment of another better suited to him. The court appointed Tanya Butler on or about February 25, 1998.

On November 25, 1998, a Petition for the Removal of Tanya Butler was filed by the Probate Volunteer Panel (PVP) on behalf of the conservatee, alleging a conservatorship was no longer necessary as the conservatee was now able to care for himself. An Amended Petition for Termination of Conservatorship was filed January 25, 1999. The Petition for Termination was approved April 27, 2000.

CHARLES THOMAS
BP 051831

The Los Angeles Times article mentions Mr. Thomas to point out the difficulty and expense that family members can incur in their efforts to remove private professional conservators. In Mr. Thomas's case, Mr. Thomas, who is quite wealthy, personally nominated private professional conservator Fremeh Labow, to serve as his conservator. Ms. Labow's appointment as the conservator was opposed by one of his son's and litigation ensued. Notably, however, the PVP's report to the Court notes that at the time Mr. Thomas made the nomination appointing Ms. Labow, Mr. Thomas was lucid enough to understand the decision he was making. The PVP report also notes that Mr. Thomas felt very strongly that he did not want his son running the business enterprise that he built. The Court ultimately appointed Ms. Labow to serve as conservator.

JEANNE CRASE LEDINGHAM
BP038494

Melodie A. Scott was appointed conservator over the person and estate of the above mentioned conservatee. Her letters of conservatorship were issued on January 12, 1996. Michael J. Gill is Ms. Scott's attorney.

On January 20, 2003, the conservatee died, terminating the conservatorship. The sixth and final accounting was settled on June 30, 2003.

The Los Angeles Times article of November 13, 2005, stated that the conservator rented the conservatee's home to Sarah Kerley after the conservatee was moved into a board and care facility by the conservator.

The conservatees' only child, Candace Ledingham-Ramos, a resident of Texas, filed objections to the conservator's fifth annual accounting. She was represented by Attorney David G. Bunn.

The objections alleged that the conservator paid for Sarah Kerley's utilities from estate funds and charged her an unreasonably low rent. In addition, the objections stated that the conservator hired a gardener, a property manager, and several caregivers. The property manager and the caregivers were unnecessary as the conservator had previously contended that Sarah Kerley was to manage the property in return for low rent and the conservatee was cared for by the daughter or the board and care facility.

Contrary to the Los Angeles Times article, the daughter only requested a surcharge of \$4,518.92 and a reduction of the caregiver allowance according to proof. Approximately \$3,200 of the requested surcharge involved the rent and utilities.

A settlement was reached which provided that the accounting was approved on the condition that Melodie Scott would resign as conservator and the daughter would become the conservator.

The estate was liquidated when the conservator, Melodie Scott, sold the conservatee's real property for \$554,000.00. When the final account was settled, there was \$567,088.28 in the estate; \$283,694.25 was in cash held in Totten Trust accounts for the daughter with Melodie Scott as the trustee.

The orders settling the last two accounts provided for very large fees for Melodie Scott and her attorney. Ms. Scott received approximately \$15,000 and \$18,000 and Mr. Gill received about \$9,000 and \$11,000.

THERESA HERRERA
BP 057037; BP 058107 (Trust); BP 058687

Theresa Herrera is mentioned only briefly in the November 15, 2005 Los Angeles Times article. The article mentions the difficulty seniors have terminating conservatorships and that \$265,000 of this conservatee's estate was expended by the time she was able to terminate the conservatorship.

On June 23, 1999, Sarah Kerley, a professional conservator, was appointed temporary conservator. Ms. Herrera was about to be released from a hospital, and Ms. Kerley alleged that she was estranged from her daughter and grandson.

On July 19, 1999, the PVP report noted that all of Ms. Herrera's relatives had not received proper notice of Ms. Kerley's petition.

On August 19, 1999, the PVP recommended that Ms. Herrera's grandson, David Lopez, be named the successor trustee of Ms. Herrera's trust, since Ms. Herrera was no longer competent and her major assets were in the trust. Her trust documents named Mr. Lopez as successor trustee.

On August 26, 1999, Ms. Kerley was appointed conservator of the person and estate, and on September 1, 1999, she petitioned that she be named the successor trustee of the trust.

On May 5, 2000, orders were entered stating that pursuant to a mediated settlement agreement, Ms. Kerley would resign as conservator, Mr. Lopez would be appointed conservator, and Mr. Lopez would be appointed successor trustee of the trust. Mr. Lopez was appointed conservator on September 13, 2000.

The Los Angeles Times article states that in fifteen months, almost half of Ms. Herrera's \$265,000 estate was exhausted. Ms. Kerley's final account shows that between June 1999, and October 2000, there was \$101,303.85 in disbursements, many due to living, packing, and moving expenses. The disbursements included a total of \$7,182 for "case management," \$3,300 for Ms. Kerley's "periodic fees," \$4,705 for legal fees, and \$3,587 for "doll appraisal fees." In addition, Ms. Kerley requested in the court order that she be paid an additional \$15,367 as "reasonable fees." The court ordered that she be allowed \$13,500 for fees, and her attorney be allowed \$16,100 for fees.

SOPHIE SHAMBAN
BP 070190; BP 077944 (Trust)

There is only a brief reference to the above-mentioned conservatee in the Los Angeles Times article of November 13, 2005. The focus of the rest of the article is about Frumeh Labow, and does not mention Ms. Shamban again. Ms. Shamban and her husband are well off, but in their 80s and declining health.

On October 31, 2001, their grandson petitioned to have Frumeh Labow appointed conservator for both of them. The Shamban's three children (including the grandson's mother) objected to the petitions and filed a competing petition to have themselves appointed co-conservators. (Originally, Mrs. Shamban's husband was included on the petition to be a co-conservator but this was dropped.)

On February 6, 2002, Mrs. Shamban's PVP attorney, Samuel Ingham, said he represented Ms. Labow in four other conservatorship proceedings, but all parties had waived the potential conflict. He recommended that the three children and a professional conservator be jointly appointed temporary conservator.

On March 21, 2002, one son and Ms. Labow were appointed temporary co-conservators.

On April 11, 2002, Ms. Labow filed a report saying there is a schism in the family regarding the philosophy of proper medical care for Mrs. Shamban, so a professional conservator should be appointed.

In June, 2002, the family reached a settlement agreement which said that the children would jointly choose a professional conservator for Mrs. Shamban from three listed individuals. Ms. Labow was not on that list.

On October 17, 2002, Judith Chinello was appointed temporary conservator, and on January 21, 2003, she was appointed conservator. She continues to be the conservator, and the court file does not indicate any further family disagreements.

The Court's records reflect that one of the several different attorneys who handled the litigation, Andrew Garb, did, in fact, charge \$500 per hour. However, the rates for the other attorneys and legal staff that worked on the litigation was lower. Ultimately, the Court approved all requests for fees.

OWEN CHALMERS BP 050130

Eighty-six year old Owen Chalmers was referred to the Public Guardian in February 1998 through the Conservatorship Access Network Program. There were no relatives or personal friends to provide assistance to Mr. Chalmers.

The Court granted the Public Guardian permanent conservatorship over the person and estate of Mr. Chalmers on June 11, 1998. The Court found that the conservatee lacked capacity to give informed consent for medical treatment and the conservator was granted the powers specified in Probate Code Section 2355 (giving conservator exclusive authority to make health care decisions for the conservatee that the conservator, in good faith, based on medical advice, determines to be necessary).

The Public Guardian sold Mr. Chalmers' residence in January 2000 to pay for his care. The Order approving the third annual accounting and report of conservator was filed on November 22, 2005.

WILLIAM CARPENTER
BP 074166

The Public Guardian was appointed successor conservator over the person and estate of William Carpenter in 2002 because his ex-wife and conservator, Mary Carpenter, was unable to act any longer due to health reasons. She was no longer able to file accountings in a timely manner.

The Order settling the third and final account and report of conservator Mary Carpenter was filed on May 30, 2003. The Public Guardian filed a first and current account on September 2, 2005. The matter was continued to February 3, 2006 for the Public Guardian to file an updated accounting.

The records indicate that the conservator was not granted medical consent. Appointment of a PVP was recommended to evaluate the need of medical consent and dementia powers per Probate Code Section 2356.5.

CHARLES DONELON
BP 075327

The Los Angeles Times article mentions this case in the context of the "Public Guardian's thirst for revenue" and criticizes the Public Guardian as conservator because the estate earned less interest over a period of almost two years (\$2,309.52) than the conservatee's monthly expenses (\$5,708.00). This is a misplaced concern since monthly expenses of conservatees typically exceed the interest earned on their bank accounts and is unrelated to the activity in the conservatorship per se.

The cash collected into a Conservatee's estate by Public Guardian is pooled with all other County funds and invested with financial institutions throughout the County as provided by statute. Each estate earns interest at a rate dependent upon its size. Estates up to \$49,000 earn interest at a rate equal to the highest checking account rate offered by financial institutions in the County; estates between \$49,000 and \$100,000 earn an interest equal to the highest savings account rate offered by financial institutions in the County; and, estates over \$100,000 earn interest at a rate equal to the highest short-term (90-180 day) Certificate of Deposit (CD) rate in the County.

In this case, the Public Guardian was appointed permanent conservator on November 12, 2002. The Public Guardian inventoried cash and personal property into the estate. The conservatee's estate, with cash of \$79,284.45, earned interest at the

rate of equal to the highest savings account offered by financial institutions in the County. This conservatee's funds were not deposited into long-term investments, which may have brought in a higher rate of interest because he is a private pay patient at the convalescent facility where he resides and funds are kept readily available for his use and care without penalties for early withdrawal.

These investment strategies and formulas are in compliance with Probate Code 7642 and have been previously upheld by the Court as meeting the legal requirements and needs of a Conservatee. These issues were addressed when the Public Guardian's First Account was before the Court. The accounting was approved as paid by an Order dated September 13, 2005.

**PEARL INFERRERA
BP 052434**

The Los Angeles Times article mentions this case as an example of the Public Guardian's Office "painful decline" and representing a "broken promise" to the "fragile adults" the agency is supposed to protect.

Specifically, the Los Angeles Times points out that the landlord of the board and care facility where Ms. Inferrera was a resident sued to evict her after Public Guardian failed to pay her rent. According to the Los Angeles Times, Ms. Inferrera's PVP told a judge that Public Guardian had neglected her client and "faced with PVP's opposition, the Public Guardian resigned from Ms. Inferrera's case".

The Los Angeles Times article failed to state certain pertinent facts:

- That Ms. Inferrera had no income other than public benefits;
- That the Public Guardian did not approve of Ms. Inferrera's placement at the board and care (arranged by her niece) because she had insufficient income to cover her monthly costs including the higher rents;
- The niece refused to act as conservator herself; leaving the Public Guardian to handle the conservatorship responsibilities;
- That due to her status as a Canadian citizen, it was difficult for the Public Guardian to obtain Social Security Benefits for the Conservatee;
- That after a two-day trial in Probate Court on the issues of the unpaid rents, the Court found that the allegations of neglect, breach of fiduciary duty, and mismanagement of funds were unfounded;

- That the Public Guardian's accountings were approved and settled by the Court;
- That due to the conservatee's attitude towards the Public Guardian, the Public Guardian requested the Court accept his resignation and appoint Jewish Family Services as the successor conservator.

RECENT ENHANCEMENTS TO THE CONSERVATOR PROGRAM

A number of reforms have been passed by the legislature to address fraud and/or abuse by conservators. These include the strengthening of annual accounting requirements and procedures, protection of seniors from unfair annuity practices, prohibition from use of assets from a conservatee's estate by a conservator to purchase goods or services from an entity in which the conservator has a financial interest and the strengthening of annual accounting requirements and procedures (verification of assets collected).

- **Statewide Registry for Private/Professional Conservators (1999)**

This legislation created a Statewide Registry (Registry) for private conservators and guardians, which the Department of Justice is required to maintain. All persons who are or wish to serve as a guardian or conservator must register with this Registry, as well as re-register every three years. Additional requirements include, but are not limited to the following:

- The Registry may disclose to the public information regarding whether or not an individual is registered with the Registry, as well as that individual's educational background and professional experience.
- Courts are required to forward complaints against a conservator (which are found to have merit) to the Registry. The Registry is responsible for maintaining a copy of such complaints in the file of that conservator.
- Any court must notify the Registry if it has: 1) terminated a conservator; or 2) accepted the resignation of a conservator, as well as the reason for such action.
- Courts are prohibited from appointing a person as a conservator who is not registered with the Registry and requires the Court to consider any information regarding the individual contained in the Registry prior to appointment.

- **Educational Requirements for Conservators (2004)**

Beginning January 2006, a private professional conservator or a private professional guardian shall meet the requirements for education and experience established by the Judicial Council prior to appointment as conservator or guardian (some combination of college education ranging from a two to four year degree and practical experience). In addition, private professional conservators will be required to complete a specified number of hours of education related to the duties of the conservator or guardian each year. Any private professional conservator or private professional guardian that fails to fulfill the educational requirements established by the Judicial Council for appointment as a private professional conservator or a private professional guardian may not register with the Statewide Registry.

LOCAL ACTIONS/REFORMS

In addition to the afore-mentioned legislative reforms, there are additional actions that the County has implemented or will pursue in order to strengthen its ability to reduce incidents of conservator mismanagement and abuse.

- **Prevention of Conservator Fraud and Abuse**

Locally, the County of Los Angeles Superior Court has taken additional measures to protect elders against conservator abuse and/or mismanagement. These measures include:

- Development of a centralized complaint file;
- Requiring additional information for the Court's Registry that exceeds current statutory requirements, including the disclosure of information regarding adverse civil judgments, whether or not more than three referrals have been received from any one care facility, whether or not the conservator employs family members, whether the conservator is a licensed real estate agent or broker or has financial interest in a residential care facility, or if the conservator has been listed by any conservatee as an heir or beneficiary to an estate and the conservator must provide the status of mandated accountings on all cases;
- Development of a plan to eliminate backlog in conducting reviews, including hiring three additional probate investigators and three additional clerical personnel to assist with additional hearings; and
- Enhancement of the case management system to increase the Court's awareness of failures to comply with statutory filing requirements.

- **Staff Development/Training**

In order to ensure increased departmental collaboration, all staff involved in the conservatorship process (systemwide, interdepartmental) should receive training on the duties, roles, and responsibilities of other departments; the task force recommends the development of an interagency training program that will address at a minimum:

- Each department's role in the conservatorship process;
- Proper methods of complaint referral and follow-up; and
- Information and resource referrals for conservatees and their families.

Proposed changes in policy regarding conservatorships, including oversight and the process for the investigation of allegations relative to conservator mismanagement and/or abuse, will necessitate the appropriate training and staff development for all County departments involved in the process. To that end, the DCSS/APS Planning and Program Development Section will work in conjunction with Special Operations (another branch of DCSS) and the Fiduciary Abuse Specialist Team (FAST) to do the following:

- Develop a training curriculum specifically addressing new conservatorship legislation and policies and procedures.
- Facilitate a quarterly forum to serve the following purposes:
 - Provide basic training to staff on legislation about the conservatorship policy revisions, including conservator complaint referrals;
 - Discuss examples where the policy may be unclear in explaining how to respond to specific cases of conservator abuse/mismanagement; and
 - Reassure staff over concerns and general uncertainty which may result from changes in policy.
- Once initiated, modify training forums as needed (e.g., format, frequency, legislation), in response to recognition of areas which require improvement.

Adult Protective Services will begin developing the curriculum immediately. The goal is to schedule the first forum for April 2006 although a substantial amount of the material to be covered will depend on the passage of certain conservatorship-related bills. The knowledge gained by departmental staff involved in these issues will be invaluable in improving the efforts to prevent conservator mismanagement and abuse in the future.

- **Increased Collaboration**

Judge Aviva Bobb, Supervising Judge of the Los Angeles County Probate Court, has convened an Elder Abuse Task Force for the purpose of enhancing the Court's ability to respond to elder abuse and to increase the Court's ability to coordinate with the appropriate County agencies. The first meeting of this task force was held on January 18, 2006. Invitees included the Los Angeles County District Attorney's Office, the City Attorney for the City of Los Angeles, the Los Angeles Police Department, the Los Angeles County Sheriff's Department, DCSS, County Counsel, and the Office of the Public Guardian.

- **Increased Community Outreach and Education**

The Department of Community and Senior Services and DCA have committed to substantially increase their outreach activities in the areas of financial abuse and exploitation to seniors and dependent adults and their families. To this end, they will coordinate and conduct a "Seniors Against Fraud & Exploitation (SAFE)" clinic at each of the 15 DCSS Service Centers at least once a year.

The DCSS Service Centers will partner with DCSS and DCA to insure the success of the SAFE clinics. Their staff will market the clinics to their clients and their families, arrange the meeting sites and logistics, and distribute complaint intake forms. The first SAFE clinic will take place in February 2006, and the goal is to reach at least 1,000 seniors and dependent adults in 2006.

The objective of the SAFE clinics is to educate seniors and dependent adults and their families on how to be smarter consumers and better protect themselves against financial abuse and real estate fraud by providing them with:

- A comprehensive overview of the various forms of financial abuse and real estate fraud;
- Information on how to identify financial abuse and real estate fraud, and how to protect themselves from becoming victims; and

- o Resources available to resolve their complaints if they become victims of financial abuse or real estate fraud.

The Department of Consumer Affairs is also actively participating in a first ever-Statewide "Senior Summit" on senior consumer protection, which will take place in May 2006 in Sacramento, California. This Summit will include workshops on common frauds targeting seniors, preventative information, and resources available to victims and the agencies and groups that serve them. Local, State, and Federal agencies will participate. DCA is on the advisory committee, and will conduct workshops in the areas of consumer and real estate fraud, as well as education, media relations and outreach for non-English speaking seniors.

In 2006, DCA will also publish five new tip sheets in the areas of financial and real estate fraud targeting seniors. These tip sheets will inform seniors on how to identify common scams, reduce the risk of becoming victims, and how to get help if they are defrauded.

PROPOSED/PENDING LEGISLATIVE INITIATIVES

As part of the November 15, 2005 BOS order, the BOS directed the task force to analyze pending legislation dealing with licensing, oversight or regulation of conservators, and examine the feasibility of promoting State legislation to authorize the APS Program to monitor, investigate and adjudicate complaints from the public against conservators.

In response, the task force studied the feasibility of seeking legislation to authorize APS social workers to investigate conservators. Under current law, the primary function of the Court Probate Investigator is to conduct annual reviews of the conservatees which includes assessing the conservatee's living arrangement, cost of care and available resources. This is a highly specialized function of which investigating conservators is an ancillary component. Authorizing APS staff to investigate conservators would create a bi-furcated system in which the APS staff would submit reports on conservators to the Probate Court, but APS staff would remain under the direct supervision of the County BOS and the California Department of Social Services. It is likely that this proposal would be opposed by the Judicial Counsel.

In an effort to identify additional gaps in services relative to addressing the needs of elder and/or dependent adults, the DCSS/APS Program introduced the subject of utilizing temporary protective custody as a means to provide interim protection for elder and dependent adults who require guardian support services until such time as a

conservator can be appointed. No such system currently exists in the County of Los Angeles, as its implementation would require the approval of the BOS. While this issue is not without merit, the task force as a whole suggests that the matter of temporary protective custody would be best served if submitted by DCSS as a separate recommendation to the Board, as it is outside of the scope of the task force's charge.

In lieu of pursuing County-sponsored legislation, the task force believes that the proposals currently being considered by the Legislature will significantly reform the conservatorship process and provide enhanced oversight of conservators and protection for elderly Los Angeles County residents. Additional refinements to these legislative proposals may be accomplished through suggested amendments.

Summary of Proposed State Legislative Initiatives

As a direct result of the Los Angeles Times series, members of the State Legislature convened two separate informational hearings on the conservatorship process. Senator Liz Figueroa, Chair of the Joint Committee on Boards, Commissions, and Consumer Protection, conducted a hearing on December 7, 2005 in Sacramento. Senator Joseph Dunn and Assemblymember David Jones, Chairs of the Senate and Assembly Judiciary Committees, conducted a hearing on December 12, 2005 in Los Angeles.

At these hearings, Senator Figueroa and Assemblymember Jones indicated their intent to introduce legislation to reform the conservatorship process. Senator Figueroa is currently drafting legislation. Assemblymember Jones introduced AB 1363, the Omnibus Conservatorship and Guardianship Reform Act of 2006 on January 9, 2006. AB 1363 would: 1) strengthen oversight of conservators and Public Guardians; 2) require State licensing of conservators; 3) establish a Conservatorship Ombudsman within the State Department of Aging; 4) remove professional conservators and Public Guardians from the Statewide Registry and local Court Registry and transfer responsibility for the Statewide Registry to the State Department of Consumer Affairs; and, 5) require the Judicial Counsel to develop qualifications and continuing education requirements and standards for Probate Judges, Court Attorneys, Court Investigators, and Public Guardians and establish uniform standards for conservatorships and Public Guardians by July 1, 2007.

On January 26, 2006, AB 1363 was overwhelmingly approved by the California Assembly in a 55-10 vote and will now be considered in the Senate. It is anticipated that the State's courts will seek amendments to the bill, as it has not yet been determined how the proposed requirements will be funded. Members of the task force are reviewing AB 1363 for impact to the County. The Chief Administrative Office will provide the BOS with a complete analysis of AB 1363 upon receipt of comments from the task force members.

In addition, California Chief Justice Ronald M. George appointed a special task force on January 13, 2006 to investigate the State's conservatorship system. This task force will be comprised of a 16-member panel, headed by a senior appellate judge and will have the authority to examine how courts monitor conservators and to recommend changes to the State Judicial Council. This panel will also review AB 1363, study reforms in other states and make recommendations for new legislation, court rules and funding requirements and analyze bills relative to conservatorship reform that are currently before the State Legislature. Roger W. Boren, the administrative presiding justice of the Court of Appeal's 2nd District in Los Angeles, will serve as chairman of the task force.

The panel is expected to hold its first meeting in February 2006 to plan its activities. It is anticipated that hearings will be held across the State over the next few months before submitting a preliminary report by the fall.

FISCAL/RESOURCE NEEDS OF THE PUBLIC GUARDIAN PROBATE CONSERVATOR PROGRAM THROUGH 2010

The participating departments examined projected population growth for the County of Los Angeles and anticipated workload increases for the Public Guardian through 2010. The future and anticipated fiscal and resource needs of the Public Guardian were based on these projections.

Background

Probate conservatorship constitutes about one-quarter of the Public Guardian's workload. Lanterman Petris Short (LPS) conservatorship, for persons in need of involuntary mental health treatment, constitutes the remaining 75 percent of the workload. It is important to note this fact because LPS conservatorship serves a disabled and increasing older population. The key difference in the two programs is the need for involuntary mental health treatment for persons served through LPS conservatorship. An LPS conservatorship is established in instances where an individual is determined to be gravely disabled due to a mental disorder or chronic alcoholism. LPS conservatorships are Mental Health conservatorships established under the Welfare and Institutions Code, not the Probate Code.

Population Growth

Projected population growth is based on Census Bureau data and a report filed by DCSS and adopted by the BOS on January 21, 2003.

The population of older adults (aged 60 and older) will continue to grow. According to the State of California Department of Aging, the elderly age group in the State will have an overall increase of 112 percent during the 30-year period from 1990 to 2020, with the highest rate among those aged 85 and older. As the population ages, the Office of the

Public Guardian also expects a significant increase in the total number of persons requiring conservatorship. The audit of the Public Guardian probate conservatorship program, conducted by blueCONSULTING, Inc. in April 2005, identified population trends for both the County of Los Angeles as well as its neighboring counties, as shown in the following chart. Most of the information contained in this section of the task force report was derived from the blueCONSULTING study.

**Changes in the Aging Population
Los Angeles Compared to Other Counties and the State of California
(in Millions)**

Population	Los Angeles County*	San Diego County	Orange County	Riverside County	Three Counties Combined	State of California
1990						
Aged 60+ years	0.7 (17%)	0.4	0.3	0.2	0.9 (21%)	4.2
2000						
Aged 60+ years	0.8 (17%)	0.4	0.36	0.3	1.06 (23%)	4.7
Projections for the Population Aged 60+ Years						
2010	1.6 (25%)	0.5	0.5	0.4	1.4 (22%)	6.4
2020	2.2 (25%)	0.7	0.7	0.5	1.9 (22%)	8.7
2030	2.7 (25%)	0.9	0.9	0.6	2.4 (22%)	11
2040	2.8 (23%)	1.1	0.9	0.7	2.7 (23%)	12
2050	2.6 (20%)	1.2	1.0	0.8	3.0 (23%)	12.8

* Shown as percentage of the State total.

In March 2000, the Los Angeles County BOS approved a motion to adopt the report entitled Preparing for the Future: A Report on the Expected Needs of Los Angeles County's Older Adult Population. It was jointly prepared by DCSS and the Department of Health Services (DHS). The report provided an overview of service demands that were likely to result from the growing disabled and elderly population. The report was followed by the development of the Strategic Plan for Aged and Disabled, 2003-2006 called "Many Partners: A Single Vision."

The Strategic Plan reflects a growing gap between service demand and service delivery. It identifies several factors that contribute to this growing gap:

- **Population Growth** – There will be more older adults and disabled adults in the next several decades, primarily due to the aging of the Baby Boom generation (those persons born between 1946-1964.) In the year 2010, the age 60+ population in the County was projected to increase by 28 percent from the year 2000, from 1,233,406 to 1,573,165 persons over the age of 60. (It is significant to note that although the Strategic Plan reflects a projected population growth of 28 percent, five years later the blueCONSULTING Study reflects a 100 percent population growth based on actual census data for 2000 from 800,000 to 1,000,000 persons over the age of 60.)
- **Women's Issues** – The most pivotal demographic indicator reflects the disproportionate role of women as both care-receivers and caregivers. Women will place a much greater demand on long-term care services for several core reasons: 1) The total number of elderly women will increase dramatically in the next three decades, more than doubling by 2030, 2) Females comprise a larger percentage of the frail elderly (age 85+ years), outnumbering males by a nearly 2:1 ratio, and 3) women generally have significantly fewer financial resources (e.g., pensions and shorter work histories) than men and have to stretch them further due to their lower lifetime earnings and greater longevity. Furthermore, as caregivers, females constitute an even more significant majority of people who are engaged in providing some level of informal care to family or friends, about 75 percent of the total caregivers according to some estimates.
- **Life Expectancy** – People are living much longer today than previous generations. This disproportionately amplifies the demand for services. Half a century ago, people lived an average of seven years beyond retirement; now they are living an average of 22 years beyond retirement, a trend that is likely to increase with the elderly of tomorrow.
- **Quality of Life** – There exists a shift in focus about the quality of life that older adults and adults with disabilities find most desirable. Research suggests that individuals prefer to remain self-sufficient for as long as possible. Trends in the past century reveal a growing reliance on institutionalized services as people age in part because of the increased need for specialized health care and the fading networks of extended families/friends that traditionally provided home-based support for the elderly.
- **Fragmented Service Delivery** – The most critical difficulty facing older adults and adults with disabilities is an inability to easily access available services. The problem does not primarily lie in a lack of appropriate services, although the delivery system suffers from heavy demand and inadequate resources. It also lies in the overly fragmented and often competitive nature of the long-term care system.

- **Institutional Capacity** – The County’s institutional capacity to provide the specialized acute health care and skilled nursing services that older adults and disabled adults require will affect service delivery. Despite the shift towards home-based supportive services, health care will remain a core component of the long-term care system due to the increased vulnerability of the segment of the County’s population. The highest healthcare costs come with multiple chronic conditions, not age.
- **Financial Resources** – The last major factor affecting the delivery of long-term care services in Los Angeles County, including conservatorship services provided by the Public Guardian, is financial resources. This involves funding levels as well as the source of funds and the constraints of the funding streams. Long-term care is more expensive and more dependent on a mix of public funding from Federal, State, and local sources than any other economic sector (accounting for more than 30 percent of national health care expenditures and more than 50 percent of social service costs), according to the previously referenced Strategic Plan for the Aged and Disabled. The categorical nature of these funds constrains the availability and the delivery of long-term care services, focusing on home-based support services.

Factors that May Affect Workload Growth

- **Legislation that mandates changes in criteria, legal basis, and level of service** - Recent articles published by the Los Angeles Times on conservatorships have led to proposed changes and reforms. Proposed legislation, such as AB 1363 currently being sponsored by Assemblyman Dave Jones, would among other things double the number of required accountings, require a response to new referrals within 48 hours, and increase the training required for staff.
- **Funding** - The audit by blueCONSULTING confirmed that the Public Guardian has suffered from “a significant and chronic funding shortage.” A recent County Counsel opinion indicates that mental health dollars cannot be used for probate conservatorship. Thus, a lack of reliable funding puts the Public Guardian and its clients at a disadvantage given the expected increase in new referrals.
- **Continued growth in the older adults population** - The expected growth in the older adult population, especially those in the oldest-old (85+), will increase the incidence of dementia resulting in an increase in demand for services. In addition, the activism of organizations like AARP will increase the awareness of services offered to the elderly. The Public Guardian will be under pressure to provide even more services. In recent years, the Public Guardian has begun recording an increase in the number of older adults referred for mental health (LPS) conservatorship.

- **Public education/outreach** - Efforts to educate the public about conservatorship may lead to increased demand. On the other hand, increased awareness about the need to plan ahead in the event of serious disability may limit the increased demand.

Long-Term Goal

Workload demands upon the Public Guardian stem from the wide-ranging duties of a conservator. The Public Guardian, as conservator, is responsible for the personal well-being of conservatees and for the appropriate management of their finances.

To become the conservator, Public Guardian staff must first conduct an investigation to determine if conservatorship is the only or most appropriate remedy for the presenting problem. The investigator (a Deputy Public Conservator II or Senior Deputy Public Conservator) must personally interview the individual referred for possible conservatorship. The interview takes place wherever the individual lives, whether in his or her own home, an acute hospital, nursing home, or jail.

The purpose of the interview is to begin gathering information and begin an assessment to determine if the legal criteria for conservatorship are met and if it is necessary in this instance. The interview with the client is followed by reviews of available medical records, interviews with family and friends, letters of inquiry to benefit paying agencies, and financial institutions, taking steps, if necessary, to freeze assets and talking to medical staff for a determination of the client's health care needs and recommended living arrangements.

If a determination is made that conservatorship is not appropriate, a letter explaining why not is sent to the referring party. If conservatorship is determined to be necessary, the investigator submits a court report to County Counsel with the results of the investigation and all known relevant facts. County Counsel uses this report to prepare a petition asking the Superior Court to appoint the Public Guardian as conservator and to set a hearing date. The investigator must ensure that the client is at the hearing or obtain a medical affidavit that he or she is too ill to attend. The investigator must be present at the court hearing.

As this simplified summary shows, travel time, court time and investigative activities allow little leeway. The eventual goal of five investigations per month would allow approximately between three and four days per investigation. Based on Public Guardian experience and an earlier analysis, this is a reasonable yardstick.

Once the Public Guardian is appointed as conservator, a different and more daunting set of responsibilities begins. The Public Guardian becomes responsible for ensuring that the basic needs of the conservatee for food, clothing and shelter are met as well as arranging necessary medical care. Living arrangements that meet these needs must be

arranged and paid for from the conservatee's income and assets. Benefits must be identified and obtained. Personal property must be identified, secured and stored. Real property requires title searches, insurance, inspections, repairs, and perhaps rental or sale. As the needs of the conservatee change, the Deputy Public Conservator must address them. The Deputy Public Conservator does this in part by making regular personal visits to the conservatee. The Deputy Public Conservator is involved in health care decisions, such as surgery and do-not-resuscitate requests. If the client dies, Public Guardian staff make funeral arrangements in the absence of family. In some instances, the Deputy Public Conservator is the only person paying last respects at the funeral service for the conservatee.

Such a varied set of important duties requires a reasonable workload in order to do a reasonable job. There is little literature on the subject of Public Guardianship. What there is suggests a ratio of one caseworker (Deputy Public Conservator in Los Angeles County) to 20 conservatees. This ratio is recommended most recently by the study "Wards of the State: A National Study of Public Guardianship" published in April 2005. It was prepared by a University of Kentucky professor of gerontology and several others. The Public Guardian believes that efficiencies in scale together with support from a requested Medical Consultation Team and specialized support activities allow for 40 to 50 cases per Deputy Public Conservator to be handled on a reasonable basis.

As the workload grows, the demand for more Deputy Public Conservators, support staff and supervisory oversight increases. By 2010, the following staffing ratios, if achieved, represent the long-term goal based on Public Guardian experience and a review of related literature:

- One Deputy Public Conservator II or Senior Deputy Public Conservator to conduct five investigations per month.
- One Deputy Public Conservator II or Senior Deputy Public Conservator to manage 40 to 50 conservatorship cases.
- One Supervising Deputy Public Conservator to provide supervision and training for five Deputy Public Conservators.
- Sufficient administrative/clerical/accounting support to support the Deputy Public Conservators and Seniors. (one Clerk per five Deputies, one Conservators Administrator/Assistant for three Case Administrative Deputies, one Accountant Technician for three Deputies and one Conservator Administrator Assistant for five Investigative Deputies.)

- Sufficient number of Assistant Division Chiefs or Division Chiefs to provide administrative planning, directing and monitoring the quality of investigative and case management services.

Staffing for County Counsel and the Treasurer and Tax Collector would also need to be considered to handle increased caseloads.

Fiscal Year 2005-06

The Board of Supervisors provided funding for the Department of Mental Health Public Guardian Probate Conservatorship Program beginning in Fiscal Year 2005-06. This represents the base year for funding and staffing.

The Public Guardian currently investigates approximately 800 probate conservatorship referrals each year. These investigations are conducted by five Deputy Public Conservators under the oversight of one Supervising Deputy Public Conservator. Each investigator is assigned an average of 11 investigations per month creating an annual backlog in excess of 100 referrals.

If a case meets the legal criteria for appointment and there is no one willing to act as the conservator, the Public Guardian seeks appointment and if appointed becomes the court-appointed fiduciary with personal care and estate responsibility. The Public Guardian is appointed the probate conservator for over 800 cases annually. Seven Deputy Public Conservators manage these cases with one Supervising Deputy Public Conservator providing oversight. The average caseload averages 115 cases per Deputy Public Conservator annually.

In the Fiscal Year 2005-06, the BOS approved \$1.2 million in additional funding for the Public Guardian program. This allocation allows the Public Guardian to add the following 16 new positions:

- One Supervising Deputy Public Conservator
- Six Senior Deputy Public Conservators
- Two Deputy Public Conservator IIs
- Two Conservatorship Administrative Assistants
- One Senior Typist Clerk
- Three Intermediate Typist Clerks

- One Accountant II

The increased staffing is utilized as follows:

Investigative Unit - Two Senior Deputy Public Conservators, one Senior Typist Clerk and one Intermediate Typist Clerk added to the Investigation Unit. The Public Guardian receives approximately 800 referrals for investigations annually. This additional staff increased the investigative staff from five to seven investigators which will essentially eliminate the backlog and reduce the investigations assigned to each Deputy to approximately 11 each month. Prior to this fiscal year, the investigative staff did not have any clerical support to prepare the investigative report, photocopy any reports, or assist with any correspondence. Clerical support improves the efficiency of this unit.

Administrative Unit - The Public Guardian currently manages 806 cases annually with each Deputy handling 115 cases with very little clerical and administrative support. The additional funding adds three Senior Deputy Public Conservator's, one Deputy Public Conservator, two Conservatorship Administrative Assistants and one Intermediate Typist Clerk. The current administrative deputy conservator staff increased from 7 to 11. The caseload will be reduced from 115 cases per caseload Deputy to 73 cases per caseload with additional support staff to open up new case files, process benefit applications and other correspondence.

Probate Support Services - This will be a new unit that will provide specialized support services to the investigative and administrative units. The most important function is to provide for a court deputy to the Probate Court and coordinate any court changes with the other units within the office. In addition to the court liaison duties, this position will also provide public information to the community, and coordinate service needs with other Public Guardian offices when necessary. This unit is comprised of one Supervising Deputy Public Conservator, one Senior Deputy Public Conservator, and one Intermediate Typist Clerk and will provide oversight to related activities.

Property Unit Services - The Public Guardian is required to conduct house searches on new cases placed under its jurisdiction. In addition, this unit ensures the orderly transfer of personal belongings to conservatees when there are placement changes or if small amounts of personal property must be picked up and stored. This unit is currently staffed by a Supervising Deputy Public Conservator, a Senior Deputy Public Conservator (.5 FTE), and other support staff (.5 FTE). The new funding allows for the addition of one Deputy Public Conservator to assist existing staff currently performing this service.

Other Services – There are currently 10 positions that provide cross-unit functions in an administrative, supervisory, or support capacity. The addition of an Accountant II is needed to review court accounts, provide oversight over revenue stream, including fee requests to the court for services provided to conservatees, and to review Medical Administrative Activities (MAA) and Targeted Case Management (TCM) claims.

Fiscal Year 2006-07

As a result of the Los Angeles Times articles alleging inadequate oversight of private professional conservators and inadequate funding of the Public Guardian, several legislators are proposing changes that will require the licensure of conservators and establish additional mechanisms to monitor conservator's performance. If any of the legislative proposals are adopted, the Public Guardian will need to increase and strengthen its infrastructure to comply with these new demands.

Even if the legislative proposals are not adopted, there is a need for the Public Guardian to enhance services, reduce caseload, and reduce the Superior Court demand for more documentation. Additionally, the Public Guardian is projecting a modest 3 percent case growth. Although caseload has been relatively flat, this has been due to a number of factors such as funding constraints and growth of private conservatorship. As noted in the Los Angeles Times article date November 6, 2005, "...today, the public guardian has about 500 wards compared to 1,200 in 1979." These same factors would require additional funding for County Counsel and the Treasurer and Tax Collector (TTC). County Counsel represents the Public Guardian in all legal proceedings and TTC provides banking services and property management. County Counsel anticipates a need for one Deputy County Counsel, a secretary and a paralegal at an annual cost of approximately \$290,000. For TTC, an additional \$122,000 would be needed to fund a Deputy Public Administrator II for increased property management services and an Accountant I for enhanced banking services. The Public Guardian positions would include:

- One Fiscal Officer I to provide additional oversight and accountability for nearly \$80 million in conservatorship assets and for related activities.
- Three Accounting Technicians I and II to prepare additional court accountings and fee justifications.
- One Accountant II to provided necessary supervision and oversight.
- Seven Senior or Deputy Public Conservator IIs to meet new mandated timelines and handle anticipated workload increases. Six positions will be assigned to the Administrative Unit and one position to the Investigative Unit.

- One Supervising Deputy Public Conservator
- Three Clerical staff for necessary support.

In the event of additional unanticipated caseload growth, additional deputy and support staff may need to be added based upon the recommended staffing levels mentioned above.

Fiscal Year 2007-08

Funding and staffing needs in Fiscal Year 2007-08 would be based upon projected caseload growth of 3 percent. As mentioned earlier in this report, the highest rate of growth for older adults is for persons aged 85 and older. The Public Guardian may experience moderate growth where individuals have no family members or friends able to take on this responsibility. In addition, several legislative bills call for the licensure of conservators that also include a requirement that at least one staff member of a public agency be licensed. In addition to the licensure requirement, one of the legislative bills directs the Judicial Council to develop continuing education requirements for Public Guardians. If either of these provisions becomes law, the Public Guardian Division would need to enhance internal training. Thus, an Assistant Division Chief would be necessary to provide the leadership to develop and implement training, develop quality improvement standards and develop conservatorship outcomes.

Reestablishing a Medical Consultant Team composed of a part-time physician and two Public Health Nurses would greatly enhance the Public Guardian's ability to monitor conservatee healthcare and respond to medical requests from providers.

As the workload grows, the demand for more deputies, support staff, and supervisory oversight increases. Additional staff would include one Clinic Driver, one Deputy Public Conservator II, one Senior Deputy Conservator, and one Intermediate Typist Clerk.

Fiscal Year 2008-09

The staffing level would require an increase due to workload growth based on a projected caseload growth of 3 percent and other factors. Additional needs may include: one Conservator Administrator Assistant, one Deputy Public Conservator II, and one Senior Deputy Public Conservator. The increase will allow for one additional Deputy Public Conservator position for the Administrative Unit and one additional position for the Investigative Unit. Staffing levels are consistent with the staffing ratios listed in Fiscal Year 2007-08.

Fiscal Year 2009-10 and 2010-11

The funding and staffing level may require an increase based upon annual caseload size and administrative oversight. The Fiscal Year 2009-10 and 2010-11 projections anticipate a 3 percent caseload growth in both conservatorship investigation and administration consistent with earlier years. The potential new positions are: one Conservator Administrator Assistant, one Deputy Public Conservator II, and one Senior Deputy Public Conservator. The increase will allow for one additional Deputy Public Conservator position for the Administrative Unit and one additional position for the Investigative Unit. Staffing levels are consistent with the staffing ratios listed in Fiscal Year 2007-08.

Summary of Fiscal/Resource Needs of the Public Guardian Probate Conservatorship Through 2010

Fiscal Year 2005-06 represents the base year with 42 FTE staff assigned to the probate conservatorship program. In Fiscal Year 2006-07, the Public Guardian has identified 16 more positions at a cost of \$947,000 in order to enhance current services, reduce caseloads to between 40 and 50 conservatees per Deputy Public Conservator and reduce investigation timelines. The increase staffing and funding requirements for County Counsel and TTC are also represented in the following chart.

In Fiscal Year 2007-08, the addition of a Medical Consultation Team to improve healthcare monitoring of conservatees is identified to provide expertise for medical consultation matters. If currently proposed legislation passes, such as AB 1363, additional resources would be necessary for the fiscal year the legislation becomes effective. As currently proposed, AB 1363 would require an estimated \$900,000 in additional funding for 13 more positions for the Public Guardian and increased related costs for County Counsel and TTC. The legislation, for example, would nearly double the required number of accountings from 520 to 920 annually. These additional Public Guardian estimated costs associated with potential legislative changes are not included in the following summary chart.

Increases after 2006-07 would likely result from population growth. According to the projected population growth as shown in the previously discussed chart, "Changes in the Aging Population," persons aged 60+ will increase from 800,000 in 2000 to 1.6 million in 2010, an increase of 100 percent. In addition to the elderly, growth in Public Guardian workload is affected by the growth in the numbers of disabled persons. That number is unknown. Moreover, the elderly in need of conservatorship may need LPS or mental health conservatorship rather than probate conservatorship. For

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example, Public Guardian records show that LPS caseload grew from 1959 conservatorships in 1995 to 3,253 in 2005, an increase of 39 percent or 3.9 percent a year. The workload growth in the face of existing variables is thus projected at a more conservative 3 percent annually with a slight rounding up in caseload growth to allow for an expected increase in the rate of conservatorship appointments. In addition, other factors may affect workload growth. For example, changes in revenue streams such as Targeted Case Management funding through Medi-Cal may affect the funding for the Public Guardian.

PROJECTION OF POTENTIAL INCREMENTAL FUTURE FUNDING NEEDS						
	2006-07	2007-08	2008-09	2009-10	2010-11	Total
Salaries and Employee Benefits	\$947,000	\$580,000	\$169,000	\$175,000	\$175,000	\$2,046,000
Services and Supplies (S&S)						
County Counsel	290,000	28,000	28,000	28,000	28,000	402,000
Treasurer and Tax Collector	122,000	23,000	23,000	23,000	23,000	214,000
Other S&S	91,000	58,000	26,000	26,000	26,000	227,000
Total Projected Cost	\$1,450,000	\$689,000	\$246,000	\$252,000	\$252,000	\$2,889,000
Public Guardian FTE's	16.0	7.5	3.0	3.0	3.0	32.5
County Counsel FTE's	3.0				1.0	4.0
Treasurer and Tax Collector FTE's	2.0				1.0	3.0
Caseload Increase (Rounded)	+30 (830)	+30 (860)	+30 (890)	+30 (920)	+30 (950)	+150
Investigation Increase (Rounded)	+25 (825)	+25 (850)	+25 (875)	+25 (900)	+25 (925)	+125
Caseload Per Deputy (Rounded)	50	48	46	45	44	
Investigations Per Deputy Per Month (Rounded)	9	7	7	6	6	

Note: Projections for County Counsel and Treasurer and Tax Collector reflected under Services and Supplies for Fiscal Years 2007-08 through 2010-11 are based on a 3 percent increase of the respective department's expenditures for the probate conservatorship program.